

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR A SIDE YARD SETBACK VARIANCE FROM 10 FT TO 1 FT FOR AN EXISTING SHED (STEVEN COOK, APPLICANT)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Earnest McDonald  CONTACT: Kathy Fall EXT. 7389

Agenda Date 05-19-03 Regular ☐ Consent ☐ Public Hearing – 6:00 ☒

**MOTION/RECOMMENDATION:**

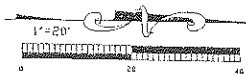
1. **APPROVE** THE REQUEST FOR A SIDE YARD SETBACK VARIANCE FROM 10 FT TO 1 FT FOR AN EXISTING SHED (STEVEN COOK, APPLICANT); OR
2. **DENY** THE REQUEST FOR A SIDE YARD SETBACK VARIANCE FROM 10 FT TO 1 FT FOR AN EXISTING SHED (STEVEN COOK, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 3 – Commissioner Van Der Weide)

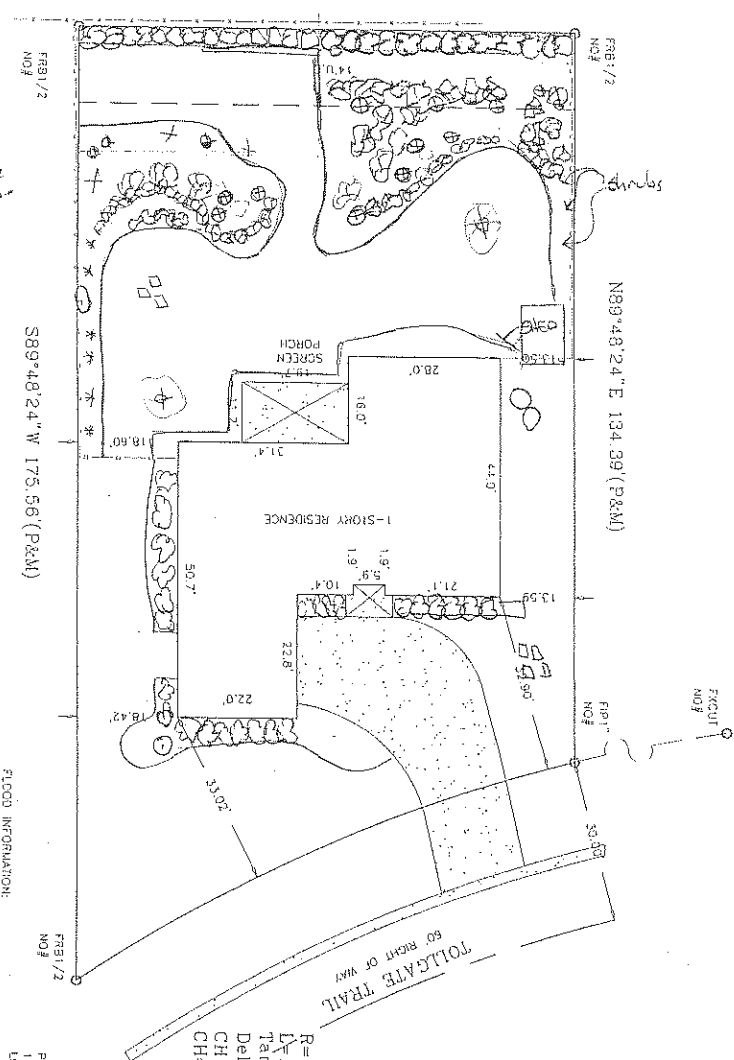
(Kathy Fall, Senior Planner)

GENERAL INFORMATION	APPLICANT: STEVEN COOK LOCATION: 141 TOLLGATE TRAIL ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"><li>• THE APPLICANT CONSTRUCTED A SHED WITHOUT A PERMIT IN THE SIDE YARD SETBACK</li><li>• THE EXISTING SHED REQUIRES A SIDE YARD SETBACK VARIANCE FROM 10 FT TO 1 FT TO BECOME CONFORMING.</li></ul>
STAFF FINDINGS	<ul style="list-style-type: none"><li>• THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER LANDS IN THE R-1AA DISTRICT BY ALLOWING ENCROACHMENT INTO THE SIDE YARD SETBACK THAT EXCEEDS THE LIMITS OF NEIGHBORHOOD DEVELOPMENT TRENDS.</li><li>• THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES.</li></ul>
STAFF RECOMMENDATION	STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST AND MAKE THE APPROPRIATE FINDINGS OF FACT. IF THE BOARD

	<p>SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING SHED AS SHOWN ON THE ATTACHED SITE PLAN.</li><li>• THE APPLICANT MUST OBTAIN THE NECESSARY PERMITS AND INSPECTIONS FOR THE EXISTING SHED.</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>
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N00°11'36"W 91.46'(P&M)

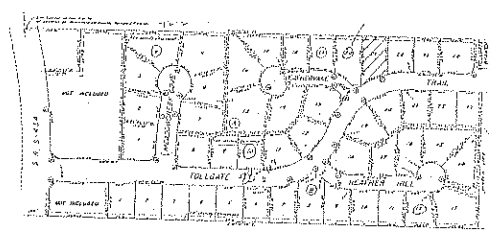


- \* Cape Myrtle
- + Bird of Paradise
- ⊙ Oak
- ⊙ Magnolia
- # Orange
- ⊙ Angelin
- ⊙ Virginiana
- Pinkers
- ⊙ Pine

FILED INFORMATION:  
 CLOSURE NO. 120289  
 PANEL NO. 01 E  
 DATE OF FIRM 12/6/00  
 DATE OF SURVEY 11/06/01  
 SURVEY NO. 20884

R=296.07  
 L=100.70  
 Tn=50.84  
 Delθ=19°29'15"  
 CH Bearing=S24°25'06"E  
 CH=100.22

LOCATION PLAN: 1"=200'



BEALE  
 SMITH  
 PROFESSIONAL SURVEYOR & MAPPER  
 111 CONVENT DRIVE, SUITE 100, FORT WORTH, TEXAS 76102  
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SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR A (1) NORTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 0 FEET FOR AN EXISTING CARPORT, (2) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1.79 FEET FOR AN EXISTING HOME, (3) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FOR AN EXISTING POOL SCREEN ENCLOSURE, (4) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 2.8 FEET FOR A EXISTING ACCESSORY BUILDING, (5) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 8.97 FEET FOR AN EXISTING ACCESSORY BUILDING, (6) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET FOR AN EXISTING ACCESSORY BUILDING, (7) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 9 FEET FOR AN EXISTING ACCESSORY BUILDING, (8) LOT WIDTH VARIANCE FROM 90 FEET TO 81 FEET, AND (9) LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,635 SQUARE FEET (JUNE PITTI, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

**Agenda Date** 05-19-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR A (1) NORTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 0 FEET FOR AN EXISTING CARPORT, (2) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1.79 FEET FOR AN EXISTING HOME, (3) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FOR AN EXISTING POOL SCREEN ENCLOSURE, (4) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 2.8 FEET FOR A EXISTING ACCESSORY BUILDING, (5) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 8.97 FEET FOR AN EXISTING ACCESSORY BUILDING, (6) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET FOR AN EXISTING ACCESSORY BUILDING, (7) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 9 FEET FOR AN EXISTING ACCESSORY BUILDING, (8) LOT WIDTH VARIANCE FROM 90 FEET TO 81 FEET, AND (9) LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,635 SQUARE FEET (JUNE PITTI, APPLICANT); OR
2. **DENY** THE REQUEST FOR A (1) NORTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 0 FEET FOR AN EXISTING CARPORT, (2) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1.79 FEET FOR AN EXISTING HOME, (3) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 5 FOR AN EXISTING POOL SCREEN ENCLOSURE, (4) SOUTH SIDE YARD SETBACK

VARIANCE FROM 10 FEET TO 2.8 FEET FOR A EXISTING ACCESSORY BUILDING, (5) REAR YARD SETBACK VARIANCE FROM 10 FEET TO 8.97 FEET FOR AN EXISTING ACCESSORY BUILDING, (6) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET FOR AN EXISTING ACCESSORY BUILDING, (7) SOUTH SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 9 FEET FOR AN EXISTING ACCESSORY BUILDING, (8) LOT WIDTH VARIANCE FROM 90 FEET TO 81 FEET, AND (9) LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,635 SQUARE FEET (JUNE PITTI, APPLICANT); OR

3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 3 – Commissioner Van Der Weide)

(Kathy Fall, Senior Planner)

<b>GENERAL INFORMATION</b>	APPLICANT: JUNE PITTI LOCATION: 9709 BEAR LAKE ROAD ZONING: R-1AA (SINGLE FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"><li>• THE APPLICANT WAS CITED BY THE BUILDING DEPARTMENT FOR CONSTRUCTING A CARPORT WITHOUT A BUILDING PERMIT AND WITHIN THE NORTH SIDE YARD SETBACK.</li><li>• THE EXISTING HOME WAS CONSTRUCTED IN 1957 AND PRIOR TO THE ADOPTION OF THE R-1AA ZONING REGULATIONS FOR LOT DIMENSIONS AND SETBACKS; THEREFORE, THE HOME, POOL SCREEN ENCLOSURE AND ACCESSORY BUILDINGS ENCROACH INTO THE APPLICABLE MINIMUM SETBACKS.</li><li>• THE VARIANCES ENUMERATED IN THIS REPORT ARE THEREBY REQUESTED.</li></ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• THE SEMINOLE COUNTY LAND DEVELOPMENT CODE SEC. 30.1348(B) STATES THAT BUILDINGS OR STRUCTURES OR USES OF LAND, WHICH ARE NONCONFORMING, SHALL NOT BE EXTENDED OR ENLARGED. THIS SECTION REQUIRES THE VARIANCES, ENUMERATED IN THIS REPORT AS 1 THROUGH 9, TO MAKE THE EXISTING HOME AND ACCESSORY BUILDINGS NONCONFORMING PRIOR TO THE ISSUANCE OF FUTURE BUILDING PERMITS.</li><li>• THE EXISTING HOME WAS CONSTRUCTED IN 1957. THE APPLICATION OF THE R-1AA STANDARDS TO THE PROPERTY FOLLOWING THE ADOPTION OF COUNTYWIDE ZONING IN 1960 RENDERED THE HOME NON-CONFORMING; THIS SPECIAL CIRCUMSTANCE CONSTITUTES A HARDSHIP.</li><li>• THE TWO ACCESSORY BUILDINGS, LOCATED IN THE REAR YARD, WERE ISSUED BUILDING PERMITS FROM SEMINOLE COUNTY IN 1985 AND MISTAKENLY CONSTRUCTED UPON THE ADJOINING'S NEIGHBOR'S PROPERTY TO THE EAST WITHOUT</li></ul>

	<p>HAVING EVER RECEIVED FINAL INSPECTIONS. TO REMEDY THE PROBLEM, THE APPLICANT PURCHASED THE PROPERTY WHERE THE ACCESSORY BUILDINGS WERE BUILT AND COMBINED THE SAME WITH THE ORIGINAL PARCEL TO THE WEST THROUGH UNITY OF TITLE. THE ISSUANCE OF BUILDING PERMITS FOR THE ACCESSORY BUILDINGS ALSO CONSTITUTES A SPECIAL CIRCUMSTANCE, WHICH COMPRISES PART OF THE HARDSHIP IN THIS CASE.</p> <ul style="list-style-type: none"><li>• THE NON-CONFORMING CARPORT, WHICH ENCROACHES ENTIRELY INTO THE SIDE YARD SETBACK, WAS CONSTRUCTED WITHOUT A BUILDING PERMIT. THE GRANTING OF A VARIANCE FOR THIS STRUCTURE WOULD CONVEY SPECIAL PRIVILEGES, SINCE IT COULD HAVE BEEN CONSTRUCTED IN THE FRONT YARD WITHOUT A VARIANCE.</li><li>• BASED ON THE STANDARDS FOR GRANTING VARIANCES, THE APPLICANT HAS DEMONSTRATED HARDSHIPS FOR THE EXISTING LOT, HOME AND ACCESSORY BUILDINGS.</li><li>• THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP FOR THE EXISTING CARPORT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE REQUESTED VARIANCES 2 THROUGH 9 AND MAKE THE APPROPRIATE FINDINGS OF FACT:</p> <ul style="list-style-type: none"><li>• SOUTH SIDE YARD SETBACK FROM 10 FEET TO 1.79 FEET FOR AN EXISTING HOME</li><li>• SOUTH SIDE YARD SETBACK FROM 10 FEET TO 5 FOR AN EXISTING POOL SCREEN ENCLOSURE</li><li>• SOUTH SIDE YARD SETBACK FROM 10 FEET TO 2.8 FEET FOR A EXISTING ACCESSORY BUILDING</li><li>• REAR YARD SETBACK FROM 10 FEET TO 8.97 FEET FOR AN EXISTING ACCESSORY BUILDING</li><li>• REAR YARD SETBACK VARIANCE FROM 30 FEET TO 14 FEET FOR AN EXISTING ACCESSORY BUILDING,</li><li>• SOUTH SIDE YARD SETBACK FROM 10 FEET TO 9 FEET FOR AN EXISTING ACCESSORY BUILDING</li><li>• LOT WIDTH VARIANCE FROM 90 FEET TO 81 FEET,</li><li>• LOT SIZE VARIANCE FROM 11,700 SQUARE FEET TO 11,635 SQUARE FEET.</li></ul> <p>STAFF FURTHER RECOMMENDS THE BOARD OF ADJUSTMENT DENY REQUESTED VARIANCE 1 AND MAKE THE APPROPRIATE FINDINGS OF FACT:</p> <ul style="list-style-type: none"><li>• NORTH SIDE YARD SETBACK FROM 10 FEET TO 0 FEET</li></ul>

	<p>FOR AN EXISTING CARPORT</p> <ul style="list-style-type: none"><li>• IF THE BOARD SHOULD DETERMINE A HARDSHIP IN ANY OF THE VARIANCES REQUESTED, STAFF RECOMMENDS THAT THE VARIANCE(S) GRANTED SHOULD APPLY ONLY TO THE PROPERTY AND STRUCTURES AS SHOWN ON THE ATTACHED SITE PLAN. THE BOARD SHOULD ALSO IMPOSE ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>
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